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Error to Circuit Court, Pittsylvania County.

Action by Satterfield's administratrix against the Southern Railway Company. Judgment for plaintiff, and defendant brings error. Reversed.

*Wm. Leigh*, for plaintiff in error.

*Pcatross & Harris*, for defendant in error.

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HOLDSWORTH *v.* C. W. CROWDER & BRO.

Jan. 12, 1911.

[69 S. E. 935.]

**Appeal and Error (§ 34\*)—Decisions Reviewable—Nature of Controversy.**—An action for the value of food products, improperly condemned by the chief food inspector of a city acting under an ordinance, involves only a pecuniary matter, where the trial court charges that the ordinance relied on is valid, and where no exception is taken thereto; and where the damages recovered against the inspector are less than \$300 the Supreme Court of Appeals has no jurisdiction, on writ of error, to review the judgment.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. § 111; Dec. Dig. § 34.\* 8 Va.-W. Va. Enc. Dig. 477.]

Error to Law and Equity Court of City of Richmond.

Action by C. W. Crowder & Bro. against William T. Holdsworth. There was a judgment for plaintiffs, and defendant brings error. Dismissed.

*H. R. Pollard and Gco. Wayne Anderson*, for plaintiff in error.

*J. Kent Raveley*, for defendants in error.

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WRIGHT *et al.* *v.* COLLINS' ADM'R.

Jan. 12, 1911.

[69 S. E. 942.]

**1. Trial (§ 25)—Right to Open and Close—Affirmative of Issues.**—Where defendant relies on a plea putting in issue plaintiff's demand and casting on him the burden of proof, plaintiff has the right to open and close, and it is only when defendant pleads affirmative matter alone, the proof of which rests on him, that he can claim the right to open and close, so that where defendant pleaded the general issue, as well as a counterclaim he is not entitled to open and close.

[Ed. Note.—For other cases, see Trial, Cent. Dig. §§ 47, 49; Dec. Dig. § 25.\* 10 Va.-W. Va. Enc. Dig. 591.]

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.